IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14716 of 2005

Between:

M/s. Maheswara Saw Mill, Rep. By its Proprietor,
V. Ramulamma,W/o. Late Gangaiah, Female, Hindu 3-9-146, Narsapur Main Road,
Near Durga Sugar Factory, Medak (PO) & Dist.

..... PETITIONER

AND

The Divisional Forest Officer, Medak (Po),
Medak District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of direction more particularly one in the nature of writ of mandamus declaring the proceedings dt 25.05.2005 in Rc. No. 2331/S3/2004 rejecting the application for issuing fresh license as illegal, arbitrary and contrary to rule 6(2) of A.P. Saw Mill (Regulation) Rules 1969 and set aside the same, consequently direct the respondent to issue fresh license in favour of the petitioner and grant such other relief or reliefs as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.KUNUKUDURGAPRASAD

Counsel for the Respondent: GP FOR FORESTS

The Court at the stage of admission made the following :

ORAL ORDER:

Assailing the inaction of the respondent in not issuing the fresh license to the petitioner saw mill, the petitioner filed this writ petition.

The facts go to show that due to ill health the petitioner could not pay the licence fee for the year 2002-03. On that the respondent issued a notice dated 31-10-2002 to the petitioner cancelling his licence and that the Security Deposit of Rs.2,000/- was forfeited and that the respondent had advised the petitioner to apply for fresh licence in Form I. The petitioner further submits that she submitted an application dated 5.3.2004 by enclosing necessary documents to the respondent and also paid a sum of Rs.1,000/- towards licence fee for the year 2004, which was rejected. The respondent while rejecting the application of the petitioner stated that as per the orders of the Supreme Court, licence for a new saw mill couldn't be issued. The petitioner further submits that as against the order of the respondent, she filed W.P. No. 5724 of 2005 before this Court which was disposed of on 19-4-2005 with a direction to the respondent to consider the application dated 5.3.2004 seeking fresh saw mill licence under the A.P. Saw Mill (Regulation) Rules 1969 within a period of two months from the date of receipt of a copy of the order.

However, it is the grievance of the petitioner that the respondent has issued proceedings in RC. No. 2331/S3/2004 dated 25-5-2005, without considering the rule 6(2) of the said Rules, rejected her application stating that her application cannot be considered in view of the judgment of the Supreme Court. Hence the present writ petition.

Heard both sides.

The learned Government Pleader for Forests submitted that the State Government has no authority to grant a licence in view of the judgment of the Supreme Court, which in unequivocal terms held that no State or Union

Territory shall permit the opening of any saw-mills, veneer or plywood industry without prior permission of the Central empowered Committee. Further the Chief Secretary of each State will ensure strict compliance of this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee. Therefore, the petitioner should have approached the Central Empowered Committee for grant of fresh licence.

If that be the case, the respondent without simply rejecting the application purported to have been submitted by the petitioner, should have informed the petitioner to approach the Central Empowered Committee for grant of fresh licence.

Therefore, the order of the respondent dated 25-5-2005 is set aside and the respondent is directed to forward the application of the petitioner to the Central Empowered Committee for its consideration and issuance of licence in accordance with law. This exercise has to be done within eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

---

kvsn 14-07-2005

To

1. The Divisional Forest Officer, Medak (Po),
   Medak District.

2. Two CCs to GP for Forests. High Court buildings, Hyderabad.

3. Two CD copies.